IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 335 OF 2006

MRS. KAMALA MATHIAS ....Appellant

Versus

SHRI. FRAZER XAVIER AND 2 ORS ....Respondents

Mr. P. P. Singh, Advocate for the appellant.

Coram:- S.A.BOBDE, J.

Date:- 8th March, 2007

P.C.

The appellant has filed this appeal against the Award of the Motor Accident Claims Tribunal, at Margao dated 14th August, 2006.

2. The appellant suffered injuries, while crossing the road, in an accident occurred because of the motor cycle driven by the respondent No.1. There was fracture of her left tibia and fibula. She, therefore, made a claim.

3. The Tribunal has considered the claim on the basis of (i) actual medical expenses, (ii) loss of salary and (ii) pains and sufferings. Rs. 459.33 is awarded for the medical expenses and Rs. 2,250/- has been awarded on account of loss of salary, since there is no proof that she was earning Rs.3000/- to Rs.3500/- per month as claimed by her. She has been found to be in hospital for about 32 days. On account of pains and sufferings, she has been awarded Rs.2500/-.

4. Mr. Sing, the learned Counsel for the appellant submitted that she ought to have been awarded higher amount since she was in hospital for 32 days. However, in the absence of any evidence that she was earning

Rs.3000/- to Rs.3500/- per month, it is not possible to accept the submission. Having regard to the overall circumstances of the case, I see no reason to interfere with the Award. The appeal is dismissed.

S.A.BOBDE, J.

ssm.